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MEMO ENDORSED

May 19, 2022

Via ECF

Honorable Sidney H. Stein
U.S. Courthouse, 500 Pearl Street
New York, NY 10007

Re: *NCUA, et al. v. Deutsche Bank National Trust Co.*, No. 14-cv-8919-SHS

Dear Judge Stein:

NCUA has just now filed a motion to strike in its entirety the unauthorized *Daubert* motion, brief in support, three declarations, and 29 exhibits filed by Deutsche Bank on May 17, 2022, on the basis that the *Daubert* submission violates this Court's individual rules, case scheduling orders, and page limits for summary judgment, and is otherwise premature and wasteful of the Court's resources because the issues to be decided at summary judgment will almost certainly moot or alter certain of the issues to be decided under *Daubert*. See ECF 397-399 (NCUA motion to strike submission); ECF 389-396 (Deutsche Bank *Daubert* submission).

In the meantime, NCUA respectfully seeks an expedited order to be entered as soon as reasonably possible staying all briefing on Deutsche Bank's *Daubert* motion until NCUA's motion to strike (ECF 397-399) is resolved by the Court. NCUA respectfully submits that the agency should not have to invest the time and resources in responding to a lengthy *Daubert* submission that may in the end be stricken — and that in NCUA's view is patently unauthorized.

Counsel for Deutsche Bank has stated in an email sent to undersigned counsel at 1:16pm today: "We do not oppose your request for a stay of briefing on our motion to exclude pending adjudication of your motion to strike."

Accordingly, the Court should grant the motion to stay briefing pending the Court's adjudication of NCUA's motion to strike. We appreciate the Court's attention to this request.

Respectfully submitted,

/s/ Scott K. Attaway

Scott K. Attaway

Counsel for NCUA and the Separate Trustee

5/26/2022
So marked.
Sidney H. Stein
U.S.D.J.